

REMARKS

Applicant acknowledges with appreciation the thorough explanation of the Examiner's position in Sections 2 and 3 of the Official Action. The cause of the disagreement in applicant's view is that one of ordinary skill in the art in reading the disclosure of Postman et al 6,041,374 cannot fairly be assumed to be able to select particular aspects of different embodiments, as proposed in the Official Action. For example, in Section 2 of the Official Action, the last four lines on page 2, the Examiner seems to acknowledge that col. 33, lines 1 – 12 of Postman only expressly teaches an embodiment where the scanned images are decoded on the PC card, and the stored whole day's worth of scan data in the form of decoded alphanumeric characters is downloaded at the end of the day by transferring the PC card into a PCMCIA slot of a desktop host/mainframe, etc. The official action states, however, "Postman's teaching also includes other embodiments" but it is respectfully submitted that one of ordinary skill in the art would not fairly and reasonably obtain the teaching of applicant's claims 1 and 15, and new claims 19 and 20, from a reading of the Postman patent.

The Official Action at page 3, the first line, refers to col. 7, lines 32 – 51, which in turn refers to FIGS. 23 and 24; however, applicant respectfully submits that FIGS. 23 and 24, and FIG. 37, do not fairly or reasonably teach one skilled in the art that col. 33, lines 1 – 12, "supports both options" as argued (at page 3, line 2) in the Official Action. The text at col. 33, lines 10 – 12, provides one of

ordinary skill in the art with the understanding that the data decoded by the “hardware and software on the PC card” can be stored in a memory of the host computer or a memory of the PC card or both. This is the same teaching as the rest of col. 33, lines 1-12 of decoding on the PC card.

Referring to col. 33, lines 1 – 12, applicant remarked in the prior response that this specific teaching of Postman et al (which was relied upon in rejecting applicant’s claims) points the art away from applicant’s teaching at page 28, lines 10 – 13. It is respectfully submitted that the teaching at col. 32, lines 35 – 67, of Postman, does not relate to the relationships of applicant’s claims. FIG. 22 relates to a decoder in the PC card, and the advantages of using a standard PC card interface do not negate the disadvantages of the embodiment taught at col. 33, lines 1 – 12, where the decoding takes place in the PC card. The embodiment of col. 33, lines 1 – 12, which is argued to be relevant to applicant’s claims clearly teaches to one of ordinary skill in the art that the decoding takes place on the PC card, so that the PC card and scanner perform both image capture and decoding functions, the particular embodiment of col. 33, lines 1 – 12, which is relied upon in rejecting the claims, thus teaching away from “opting to off load higher performance decoding requirements” with a non-dedicated shared host processor. A further important advantage over col. 33, lines 1-12, as it would be understood by one of ordinary skill in the art, is explained for example at page 14 of the present specification, the bottom three lines, and at page 15, line 1, reading:

“Moreover, with multiple coded images available at a time, the host unit 12 is able to perform decode processing faster, more accurately and without the time constraints imposed on conventional decode processors of having to complete a decode attempt on one image before the next is captured.”

In Section 3, the official action seeks to justify the rejection of claim 3 without regard to the previous alleged basis at col. 33, lines 1 - 12, for rejecting claim 1. The office action does not contend that the “whole day’s worth” of decoded images, referred to at col. 33, lines 1 - 12, are taught at col. 51, line 39 - 41, to be “a predetermined number of samples”. Claim 3 is not being read as a whole, but fragments of language in the additional clause of claim 3 are considered in isolation. Applicant emphatically urges that one of ordinary skill in the art, reading the passage at col. 51, lines 39 - 62, as a whole, would not fairly and reasonably receive the teaching advocated in the official action. It seems absolutely clear that one of ordinary skill in the art, reading col. 51, lines 39 - 62, would understand that the “predetermined number of samples” are parts of the sample data from a complete barcode” (col. 51, lines 58 - 61); it is clear that col. 51, lines 39-62, does not refer to a “whole day’s worth” of decoded images as taught by col. 33, lines 1-12, for one of ordinary skill in that art.

In Section 3 of the official action, it is contended that “a sample” must refer to a “scanned image” and “samples” are “images”, because of the use of the term “samples” in the Abstract. The term “samples” as used at col. 51, line 40, confirms to

one of ordinary skill in the art that “sample data” at col. 51, lines 59 - 60, refers to undecoded samples or parts of a complete barcode in data buffer 778 which are to be decoded by the “barcode decode software routine 798”, FIG. 7, (col. 51, lines 59 - 64). One skilled in the art, from the statement in the Abstract at the last four lines, would clearly understand that “the samples” refers to parts of not more than one complete barcode, the “samples” being obtained by some “embodiments” by sampling of the barcode scan signals. The term “plurality of images” as used in claim 1 and new claim 19 refers to undecoded data from a plurality of images (each representing information concerning a coded target, not merely a sample of part of “a complete barcode” (col. 51, lines 58-60)).

Since applicant is unable to follow the reasoning “samples” is “images” in Section 3 of the official action, applicant is revising the claims 1 and 15 as new claims 19 and 20, to assure that the claims cannot be misread with respect to the claim terminology “plurality of images.”

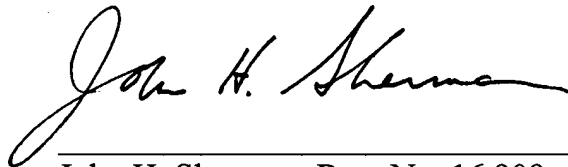
New claims 19 and 20 are along the lines of cancelled independent claims 1 and 15, and have been revised to avoid any possible confusion as to their meaning. It is noted that in Section 5a of the official action, the eighth line from the bottom of page 5, the phrase “at least after each of the plurality of images is stored in the image buffer” does not conform to the languages of former claim 1 or of new claim 19. The same phrase is found in Section 5b, beginning at the seventh line from the bottom of page 6, which phrase does not conform to the language of former claim 15 or new claim 20.

An earnest effort has been made to fully explain why former claims 1 and 15, and new claims 19 and 20, clearly patentably distinguish over the teachings of the Postman et al Patent 6,041,374, and to revise the claims so as to avoid any possible misunderstanding of the claim language. One of ordinary skill in the art would not arrive at applicant's invention as defined in claims 19 and 20, from a reading of the Postman et al disclosure.

A Petition for a Two-Month Extension of time is enclosed herewith.

The Commissioner is hereby requested to grant any needed extension of time and to charge any additional fees, which may be required for this response, or credit any overpayments, to Deposit Account No. 14-1190.

Respectfully,

A handwritten signature in black ink, reading "John H. Sherman". The signature is fluid and cursive, with the first name "John" being the most prominent.

John H. Sherman, Reg. No. 16,909
c/o Legal Department
Intermec Technologies Corporation
550 Second Street SE
Cedar Rapids, IA 52401

Enclosure: Petition for a Two-Month Extension of Time